

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAN GROPPER,

Plaintiff,

-against-

47TH HOTEL ASSOCIATES LLC, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/22/2022

22-CV-4080 (LGS) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons discussed during today's discovery conference, it is hereby ORDERED:

1. Stipulated Protective Order. The parties shall promptly meet and confer in good faith to develop a stipulated protective order to govern discovery of confidential or sensitive documents and information in this action, and shall file their proposed order no later than **December 9, 2022**. In preparing their proposed order, the parties are encouraged to consult this Court's Model Protective Order, available at <https://nysd.uscourts.gov/hon-barbara-moses>. Should the parties fail to reach agreement on a stipulated protective order by the deadline set forth herein, the Court will enter an appropriate protective order, *sua sponte*, so as to avoid further delaying discovery due to the lack of such an order. Once a protective order is in place, the parties shall promptly produce any documents previously withheld from discovery due to confidentiality concerns.
2. Document Production. No later than **December 13, 2022**, defendants shall produce the following documents responsive to plaintiff's requests for the production of documents:
  - a. Defendants' federal tax returns, including schedules, for the past three years, which may be designated for attorneys' and experts' eyes only.
  - b. All communications between defendants and their architect, Matt Markowitz Architect, P.C. (including Markowitz's employees and agents), regarding accessibility of the first floor and the rooftop of the premises at issue in this action.
3. Case Management Plan. The Civil Case Management Plan and Scheduling Order (Dkt. 16), is modified as follows:
  - a. Plaintiff's deposition shall be completed no later than **December 9, 2022**.
  - b. All remaining fact depositions shall be completed no later than **January 13, 2023**.

- c. All expert discovery, including expert depositions, shall be completed no later than **February 28, 2022**. Before the close of expert discovery,
  - i. Plaintiff shall disclose his expert evidence, including the identities and written reports of experts, as required by Fed. R. Civ. P. 26(a)(2)(A), (B), or (C), no later than **January 17, 2023**; and
  - ii. Defendants shall disclose their expert evidence no later than **February 7, 2023**.
- d. The parties shall submit to Judge Moses a joint status report no later than **January 17, 2023**.
- e. The pre-motion conference previously scheduled for January 25, 2023 at 4:30 p.m. before Judge Schofield is **adjourned to March 15, 2023, at 4:00 p.m.** In accordance with Judge Schofield's Individual Rules:
  - i. A party wishing to file a summary judgment or other dispositive motion shall file a pre-motion letter **at least two weeks before** the conference, in the form provided in Judge Schofield's Individual Rule III.A.1. Any party wishing to oppose shall file a responsive letter as provided in the same Individual Rule. The motion will be discussed at the conference. To join the conference, the parties shall call (888) 363-4749 and use Access Code 558-3333. The time of the conference is approximate, but the parties shall be ready to proceed at that time.
  - ii. **If no pre-motion letter is timely filed, this conference will be canceled, and the matter placed on Judge Schofield's trial-ready calendar.** The parties will be notified of the assigned trial-ready date and the filing deadlines for pretrial submissions. The parties are warned that settlement discussions will not stay Judge Schofield's pretrial deadlines or the trial date.

Any relief not specifically granted herein is DENIED. The Clerk of Court is respectfully directed to close the motion at Dkt. 18.

Dated: New York, New York  
November 22, 2022

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**